



## Renting a vacation home? Be wary!

During a recent holiday season, Joe and Kim (not their real names) and their two young children were looking forward to spending family time at a vacation rental house they had leased. The vacation rental website they contacted had marketed the house as located on a beautiful island with a swimming pool, beautiful views of the ocean, a boat to use during their stay, a helicopter pad, and all the amenities a family needs to have fun in the sun. Unfortunately, the marketing information failed to note that the helicopter pad had been removed and that during low tides the island was virtually inaccessible by any boat – there would be no way to access or leave the island at low tides.

Upon arrival, the family spent the day in the pool, grilling dinner, and simply relaxing. When it was time to go to bed, the children went to sleep in their bedrooms, and Joe and Kim, reflecting on how lucky they were, went to sleep in their room.

Around 3:00 a.m., Kim heard Joe make an unusual sound as he slept. Thinking he was snoring, Kim gently tried to wake him. He did not respond. She realized that Joe was apparently suffering from either a heart attack or some kind of respiratory distress. Kim immediately called 911 and was directed by the dispatcher to attempt cardiopulmonary resuscitation (CPR). She managed to get her husband onto the floor and began CPR. The children were awakened by the disturbance, and their daughter took her younger brother into another room in the house.

The emergency dispatcher told Kim that the Coast Guard and local police were headed to their location by boat. For 20 more minutes, Kim applied CPR to her husband, eventually asking the dispatcher where the emergency crew was. The

dispatcher said that the emergency crews had arrived and could see someone on land waving a cellphone light in an attempt to direct them. However, due to the low tides the boats were unable to navigate the shallow waterway channel to gain access to the island. Dispatch advised Kim that the emergency medical care she needed to save Joe's life would not be available until the tide changed. After 45 minutes of CPR efforts, Kim stopped the chest compressions. Joe died early that morning. About six hours later, the emergency crews were able to access the island but it was too late.

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The family contacted SDSBS attorney **Adam Hecht** for help in finding accountability for the failure to warn potential renters of the known dangerous conditions at the rental. Mr. Hecht spoke with the emergency crews and learned that this was not the first time they could not access the island in such an emergency. The helicopter pad would have been the easiest and quickest way for emergency access had not the owners removed the pad months earlier. Further, the vacation rental was not equipped with any life-saving devices such as an Automated External Defibrillator (AED).

Mr. Hecht filed a lawsuit on behalf of the family against the owners of the vacation rental for their failure to warn of the dangerous conditions. The case was settled for a confidential amount. ♦